

Town of Richmond
Planning Board Public Hearing
January 4, 2022 7:00 PM Richmond Veterans Hall

Members Present:

Stacie Maillet (Chairman)
Lloyd Condon (Vice Chairman)
Doug Smith (Secretary)
Kathryn McWhirk
Eric Duda
Jed Butterfield (Alt.)
Doug Bersaw (Selectman's Rep.)

Members Absent

Jason Macdonald

Public:

Richard Drew, Joseph Laureth, Maryann Lauretti, Susan Sanders, Gregory Butko, Francesca Heap, Lenny Lolomon, Susan Perry, William Daniels, Andrew Wallace James C. Williams.

Meeting called to order at 7:05 PM.

Butterfield seated for Macdonald.

1. Public:

No one from the public with concerns.

Public was present for the Wetland Zoning change it was decided to address Zoning changes for 2022 ballot before addressing the minutes.

2. Zoning Changes for 2022 Ballot:

Chairman Maillet read the zoning change to the public as it would appear on the ballot.

To rewrite and reorganize **Article 2. Section 202.1, under C. Wetlands Conservation District (Article 6 under 601 General)**. To reduce the present seventy-five (75') foot setback to a twenty-five (25') foot setback.

All land areas within **twenty-five (25) feet**, as measured by horizontal distance, of the high-water mark of any pond, stream, brook, or wetland and areas identified and delineated as poorly drained or very poorly drained soils by the Cheshire County Conservation Districts Soil Survey of Cheshire County, New Hampshire, completed in 1989. (See map.)

Chair Maillet explained the goal of the Planning Board at the public hearing was to satisfy the wording to appear on the ballot.

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Chair Maillet opened the hearing to the public.

Francesca Heap asked for the floor. Heap was clear she was speaking against the change. She continued that the same change last year was on the ballot and the residents voted it down and why were the Selectmen bringing it back?

Heap continued that she had talked with the State of NH Department of Environmental Services (NHDES) and published her results in the February 2021 issue of the Rooster. Storm water is the largest pollutant in NH. Stormwater can become polluted when it runs off streets, lawns, farms. and construction/industrial sites, fertilizers, sediment, pesticides, silt and grease or other pollutants in its path. This stormwater left untreated enters waters, introduces pollutants into our surface and groundwater. Storm water is untreated water, and it goes into the public supply. There is a big concern about well water being clean and everyone in Richmond depends on well water. Pollution of the local wells will happen though it will take some time.

Heap referred to the latest edition of the Richmond Rooster (January 2022) a chart reprinted from NHDES. To influence water temperature the minimum setback is 30 feet. Removing Pollutants setback is 98 feet. Provide habitat for aquatic macroinvertebrate setback is 98 Feet. Reduce runoff and stabilize channel bank setback is 164 feet. To provide habitat for terrestrial wildlife setback is 330 feet. The minimum is 30 feet, but the Selectmen are asking for 25 feet. To increase the set back to 98 feet would help with temperature of water and ground water protection.

Bill Daniels asked for the floor speaking as a selectman. Daniels and the select board wanted to allow the people to vote again. The vote last year was very close by 13-15 votes for no. Daniels went on that misinformation was given out to the public last year. That voters thought this would involve Sandy and Cass Pond but the lakes in Richmond are ruled by the State.

The 25-foot setback to wetlands would not affect the present Septic setback that would remain the same. There was misinformation given on this subject.

Daniels added that it's not 75 feet but rather 150 feet, presently it's 75 feet on both sides. There is concern that lack of being able to use this space to build would make people's property less valuable.

Richard Drew asked for the floor. Drew wanted to suggest that Article 6 under 601 should also be included as that definition also had the 75-foot setback mentioned.

Maryann Lauretti asked for the floor. Lauretti agreed that there was a lot of misinformation about the setback change. There was confusion with the definition of Conservation Land vs. private property. Lauretti blamed Facebook and social media for the misinformation. Lauretti encouraged the Selectmen to somehow allow people to ask questions and get the correct answer. It's difficult to understand the definitions and the Zoning Ordinance when you read it.

Richard Drew asked for the floor. Drew was in favor of the wetland setback being reduced to 25 feet. Drew went on saying that at this time there is about 1/3 of all wetlands in the U.S. have been filled in over the last 25 years. If there is protection for the wetlands preventing erosion and runoff into the water by using silt fencing, straw bales, waddles or so on the impact is minimal.

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Drew also introduced himself and spoke as the Zoning Compliance Office (ZCO) for Richmond. Most people can't detect wetlands and to reduce it by 50 feet, 25 feet or 30 feet is certainly in his opinion a lot better than 75 feet. Drew mentioned that the 75 foot takes a lot of usable property from private residents. There is relief through the Zoning Board of Adjustments (ZBA) for wetland setbacks and he has seen the ZBA go as close as 7 feet from the wetlands for a garage.

Gregory Butko asked for the floor. Butko asked if a wetland is what they use to call a swamp?

Drew gave a brief description of wetlands stating that there are wetland soil scientists that can delineate the wetlands on property. Wetlands are detected by soil type, vegetation, and water level. Water that would stay within 12 inches below the ground surface and they actually dig a hole to determine if the area is indeed wetlands. There are seasonal wetlands that can appear on the land that a private citizen would not think would be considered wetlands, but it is.

Butko asked if swamps promoted mosquito breeding. He would like to see more mosquitos increase the food and see more native birds come back into the area.

Andrew Wallace asked for the floor. Wallace spoke as a selectman. He encouraged the board to give the public a chance to vote. Wallace mentioned that there was a lot of bad information given last year. The board feels the 25 feet will still protect the wetlands and the State of New Hampshire has no restrictions. This was presented to the Conservation Commission as zero and the Conservation Commission suggested going with the 25 feet.

Kandace Mattson asked for the floor. Mattson wanted to clarify that the State of New Hampshire has no restrictions the State leaves zoning up to each individual town. The State has restrictions on lakes, rivers, and shoreline. When researching last year, the NH Office of Strategic Initiatives (OSI) has a list of towns throughout NH that have wetland setbacks. She believed it was listed by county but wasn't sure. Most all the towns in Cheshire County have wetland setbacks except Winchester that she found. Some were more than Richmond, and some were less. Wallace's comment was he didn't believe it. Mattson offered to search her files and if she still had the information, she would send it to him.

Francesca Heap asked for the floor to clarify that all the information printed in the February 2021 edition of the Richmond Rooster came directly from the NHDES Website. All sources with websites were included in the article. There was no misleading information in The Richmond Rooster but the Rooster tried to give locations to read information to become informed voters.

Eric Duda asked for the floor. Duda wanted to inform the public that Kandace Mattson was not a part of the board and was speaking as an individual not as a board member. Mattson agreed with Duda.

Discussion on what the Selectmen were going to do to get the correct information out to the public. That if they wanted the correct information out to voters, they should have started months ago. The public said no last year but why and what will be done to get the correct information out for an educated vote by the public. The suggestion was a letter in the Richmond Rooster for February but the public thought that would not give people time for a debate.

What avenues can be explored to allow people adequate time to receive and comment on and allow people to be educated before they vote. Selectmen will make an effort to get the word out this time around.

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If this fails, will it be back again next year. This is the Selectmen that submitted the change not the Planning Board. The Planning Board is the only vehicle that is can be used to change Zoning Ordinances.

Leonard Solomon asked for the floor. Soloman added that some people feel the setback should be reduced. Some people feel it should not. There was some supposedly misinformation put forth to the public. Was there misinformation? Is there time to do research on both sides to fully address the issue.?

To have this swish through is not fair. We've seen the mess we've made of our planet. Be very careful of what you're doing to the water supply. Solomon added that he too would like to see insects and birds come back that are slowly leaving. Solomon believes we must be conservative especially with the water supply,

Jed Butterfield asked for the floor. Butterfield spoke as a Planning Board member. Butterfield wanted to clarify that the boards task at the Public Hearing was to review the wording. No matter what the outcome is. The board decides on the wording and if it's correct. The verbiage given to the board is written the same as it was presented last year. The Selectmen approached the Planning Board to put it back on the ballot again this year. Butterfield was for adding the Article 6 to be sure to cover all bases.

The Board is required to hold a public hearing where the public can speak their opinions on the zoning change. The Board would ask the public if there are ways that this ordinance can be changed. The Planning Board is not here to vote on the proposed ordinance but rather to tweak the wording and clarify the proposed change so that it can be offered to the voters in March on the ballot. The Planning Board can change the wording.

Maryann Lauretti asked for the floor. Lauretti said that some of the confusion was the words Wetland Conservation District. Most people thought it had to do with Conservation land and not private property.

Lauretti was directed to Article 6 in the Richmond Zoning Ordinance's for a definition of Wetland Conservation District. It was suggested that a blast be done by the Selectmen to let the public know that this Ordinance pertains to private property or to your neighbor's property,

Susan Perry asked for the floor. Perry said it was helpful to have Fran Heap who added more information and explanation of what, why and where. How does this add up when you consider the weather we had this past summer with the runoff? The Board can only go by what they can do. The Selectmen want to change the law can the residents have an opinion?

Susan Saunders suggested a website with the change posted so people can weigh in and have questions answered. Wallace expressed concern about having a website where people can interact, and it could be hard to handle such a website. All current material has been posted on the website along with Zoning Ordinances and Regulation handbooks, all hearings have been properly posted.

The Selectmen were asked if they were going to have a meeting to discuss the pros and cons of the change for the residents. The Planning Board Public Hearing they were presently attending was the only hearing offered by the town. If there are significant changes to the ordinance as presented by the Selectmen there will be a second public hearing for the change.

The Selectmen are going to work toward getting the proper information out to the public for both pros and cons.

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With no further questions from the floor.

Motion made by Vice Condon to close the public hearing. Seconded by Smith. All in favor. None opposed. Motion carries.

Public portion of the hearing closed at 7:49 PM.

At this time the board moved into the kitchen to resume the non-public portion of the meeting.

Discussion of adding Article 6, under 601 General to help with the explanation of the proposed Ordinance change, 601 offers a better explanation of Wetland Conservation District. There were a lot of residents at the hearing that spoke against the change. It was the consensus if the board to support the Selectmen by adding the Article 6, under 601 General. This would create a need for a second hearing and reposting of the hearing.

Though it falls short of why the Selectmen would want this on the ballot. That is an explanation that the Selectmen need to address. It is the goal of the Board to allow the Selectmen to promote their reason why they were asking for this change again.

Bersaw asked to speak for all the Selectmen. They would like to add the Article 6, under 601 General. Bersaw continued that the Selectmen heard clearly that more information needs to be circulated. Bersaw narrowed it down to website, Rooster, Rooster blast or mailer can be sent to town residents.

It was clearly asked that both opinions on the change should be printed and made available to the public. if mailed it should have both opinions not just the Selectmen's. It was obvious by the attendance at the hearing that most residents present spoke against the proposed Zoning change.

Discussion that all the information is on the town website, residents can look it up and do their own research. Again, how many people will take the time to research information involving the NHDES and wetlands? The State website can be very confusing. One Planning Board member mentioned that he doesn't have a computer how many residents don't have the ability to go to the town website.

The consensus of the board was to hold a second public hearing for the Article 6, under 601 additions just to be covered.

After discussion it was decided to move the January 18th Planning Board meeting to January 25th to allow for the notice to be printed and posted.

Motion made by Smith to change the January 18, 2022, scheduled Planning Board meeting to January 25, 2022 at 7:00 PM located at the Veterans Hall on Rt. 32 North, Seconded by McWhirk. All in favor. None opposed. Motion carries.

Vice Condon asked for the floor. Condon mentioned that the 25-foot setback was absurd. Condon could live with 50 feet and suggested changing the Ordinance from 25-foot to the 50-foot wetland setback. He went on to say that 25 foot was just to close and if there are problems now with the wetland setback. Residents will just push no matter what the setback is.

Motion made by Vice Condon the increase the 25-foot setback to a 50-foot setback. Seconded by Maillet.

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Bersaw didn't think the Selectmen would go for it. The 50-foot change is not what they want. The Selectmen want a 25-foot setback just the way it's written. Condon commented that the Selectmen had no middle ground to satisfy the concerns of residents.

Butterfield mentioned that the setback should stay the way the Selectmen have presented it. There were many people at the hearing that were for a 40- or 50-foot setback. The change failed last year, and it was pretty clear it was a no. If it passes as a yes, then let it go as a yes. Butterfield felt it was not the job of the Planning Board to get between the Selectmen and the public.

Maillet asked for a vote to change the setback from 25 foot to 50 foot.
One in favor. Four opposed. Two abstentions. Motion failed.

With no further discussion from the floor the Hearing was continued with posting until January 25, 2022.

3. Minutes December 14, 2021

Page 3, fourth paragraph down, third word in. Change decoded to decided.

Motion made by Butterfield to accept the minutes as amended. Seconded by Vice Condon. Five in favor. None opposed. Two abstentions. Motion carries.

4. Other:

1. Road Hearing January 26, 2022:

Brief discussion directed to Bersaw on the Public Hearing regarding the date and what was on the agenda. The Public Hearing will be held on January 26, 2022, in reference to the first hearing for the \$2,000,000 bond for Whipple Hill and Tully Brook Road bridge repair. The second half of the meeting will be a Public Hearing on a Highway Layout Petition submitted by Petitioner; Lauren Shearer for Bowker Road located off Whipple Hill Road.

Motion made by Smith to adjourn. Seconded by Vice Condon. All in favor. None opposed. Motion carries. Meeting adjourned at 8:38 PM.

Respectfully Submitted.

Kandace Mattson